

REMARKS

This amendment is submitted in response to the Office Action mailed on April 7, 2006. With this Amendment, claims 1, 9, 10, 12 and 13 are amended, claims 17-20 are canceled, and claims 21-24 are added.

Response to Double Patenting Rejections

In the Office Action, the Examiner rejects the following on the grounds of nonstatutory obviousness-type double patenting: (1) claims 1, 3, 9, 11, 13, 15, 17 and 19 as being unpatentable over claim 19 of U.S. Patent No. 6,960,220; (2) claims 1, 4, 9 and 12 as being unpatentable over claims 27 (for 1 and 4) and 50 (for 9 and 12), respectively of U.S. Patent No. 6,379,368; (3) claims 1 and 9 as being unpatentable over claim 5 of U.S. Patent No. 6,206,907; (4) claims 1 and 9 as being unpatentable over claims 20 and 18, respectively of U.S. Patent No. 6,656,206; and (5) claims 9 and 12 as being unpatentable over claim 1 of U.S. Patent No. 6,960,224. Also, claims 1 and 9 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 10/348,701.

Applicant has filed with this Amendment a terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, the rejections to claims 1, 3, 9, 11-13, 15, 17 and 19 based on nonstatutory obviousness-type double patenting have been overcome and should be withdrawn.

Claim Objections

Claim 10 was objected to because it depended from itself. Claim 10 has been amended to depend from claim 9. Therefore, the objection to claim 10 has been overcome.

Claim Rejections - 35 U.S.C. § 112

Claim 12 was rejected under 35 U.S.C. § 112 because there was insufficient antecedent basis for the limitation "the sheets." Claim 12 has been amended to clarify that "the first and

second occluding bodies comprise sheets constructed of polyvinyl alcohol foam.” As a result, all of the limitations in claim 12 have sufficient antecedent basis and this rejection is, therefore, overcome.

Claim Rejections - 35 U.S.C. § 102 and 103

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Erlebacher et al. (U.S. 5,350,399) and claims 9, 17 and 19 under 35 U.S.C. § 102(b) as being anticipated by Huebsch et al. (U.S. 5,853,422). In addition, claims 2-4, 10-16, 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlebacher et al or Huebsch et al. in view of Schneidt et al. (U.S. 6,174,322), Amplatz et al. (U.S. 5,944,738) and/or Gainor et al. (U.S. 6,911,037).

With regard to claims 5-8, which were allowed, the Examiner stated that the prior art of Amplatz et al, Huebsch et al, and Erlebacher et al. only discloses “arms that connect to sheets located on the same end of the center post from which the arms extend and the addition of such a structure would not be obvious, as it would destroy the method of functioning of the prior art.”

Independent claims 1, 9 and 13 have been amended to clarify that the arms of the present invention emanate from a first side of the center post and attach to a sheet on the second side of the center post and vice versa. Therefore, the arms of the present invention connect to sheets located on the **opposite** end of the center post from which the arms extend. Since the prior art cited by the Examiner admittedly does not disclose or provide the motivation for such an occlusion device, claims 1-4 and 9-16 are not anticipated or unpatentable in view of the above-referenced prior art.

In addition, with this Amendment, claims 17-20 have been canceled, which renders the objections to these claims moot. Also, claims 21-24 have been added. Like the other pending claims, claims 21-24 are drawn to an occlusion device in which the arms emanate from a first side of the center and attach to a sheet on the second side of the center and vice versa. Therefore, claims 21-24 are not anticipated or unpatentable in view of the above-referenced prior art.

With the above amendments and discussion, the application is now in condition for allowance, and notice to that effect is requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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